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REMARKS

Claims 1-21 are currently pending in the subject application and are presently under consideration. A clean version of all pending claims is found at pages 2-5. Favorable reconsideration of the subject patent application is respectfully requested in view of the comments herein.

I. Rejection of Claims 1-2, 5-9, 13-16, and 19-21 Under 35 U.S.C. §102(b)

Claims 1-2, 5-9, 13-16, and 19-21 stand rejected under 35 U.S.C. §102(b) as being anticipated by Amberg *et al.* (US Patent No. 5,963,743). It is respectfully submitted that this rejection should be withdrawn for at least the following reasons. Amberg *et al.* does not teach or suggest *each and every element* of the claimed invention.

For a prior art reference to anticipate, 35 U.S.C. §102 requires that "*each and every element* as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *In re Robertson*, 169 F.3d 743, 745, 49 USPQ2d 1949, 1950 (Fed. Cir. 1999) (quoting *Verdegaal Bros., Inc. v. Union Oil Co.*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987)) (emphasis added).

The subject invention as claimed relates to configuring and / or setting up software systems based on *installation location*. Information is acquired indicative of a computer *location* onto which application components are to be installed. (See pg. 2, ln. 25-26). The acquired *location information* is utilized to configure the software system. (See pg. 2, ln. 31-32). Thus, the subject invention provides systems and methods for tailoring software systems to provided desirable functionality based at least in part on *location information*. (See pg. 3, ln. 2-4).

The Office Action asserts "Amberg *et al.* clearly disclose the system functionality can be tailored according to the location scenario. Fig. 2, item 160 target system, is connected on the network. The target system is in location scenario. Before try to talk to the target system, the user must specified the address / location first. Therefore, for different location of the target system, a person can install tailored software prepared by descriptor file." (See Office Action dated Nov. 24, 2003, pg. 7). Contrary to such

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assertions, it is readily apparent that Amberg *et al.* does not teach or suggest each and every element of applicants' claimed invention.

More particularly, Amberg *et al.* fails to teach or suggest a setup component that receives information indicative of a *location* scenario related to where the software system is being installed, configuration characteristics for the software system determined based at least in part on the *location* scenario as recited in independent claim 1 (and similarly independent claims 7, 8, and 15).

Amberg *et al.* merely discloses utilizing a computer system configured to *sequence software installation and testing steps* to be run on a target system using component descriptors from a descriptor file. (See col. 4, ln. 1-10). By way of example, a customer places an *order* to purchase build-to-order target computer system. (See col. 4, ln. 50-51). Such *order* is converted into the descriptor file, which lists each hardware and software component to be installed onto target system. (See col. 4, ln. 61 – col. 5, ln. 1). A network is utilized, but merely allows a sequencing program to direct execution of the software installation and testing steps upon the target system in accordance with the requirements of the descriptor file. (See col. 5, ln. 8-19). Thus, Amberg *et al.* simply discloses configuring a target system solely according to an *order* and the network is merely utilized for communication. Amberg *et al.* is silent regarding configuration based at least in part on the *location* scenario.

In view of at least the above, it is readily apparent that Amberg *et al.* does not anticipate or suggest the subject invention as recited in claims 1, 7, 8, and 15 (and claims 2, 5-6, 9, 13-14, 16, and 19-21 which respectively depend there from). This rejection should be withdrawn.

II. Rejection of Claims 3-4, 10-12, and 17-20 Under 35 U.S.C. §103(a)

Claims 3-4, 10-12, and 17-20 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Amberg *et al.* (US Patent No. 5,963,743) in view of Jones *et al.* (US Patent No. 5,666,501). It is respectfully submitted that this rejection should be withdrawn for at least the following reasons. Amberg *et al.* and Jones *et al.*, individually

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or in combination, do not teach or suggest each and every element set forth in the subject claims.

Jones *et al.* does not make up for the aforementioned deficiencies of Amberg *et al.* with respect to independent claims 1, 8 and 15 (which claims 3-4, 10-12, and 17-20 directly or indirectly depend from). In particular, Jones *et al.* does not teach or suggest a setup component that receives information indicative of a *location* scenario related to where the software system is being installed, configuration characteristics for the software system determined based at least in part on the *location* scenario. Jones *et al.* merely teaches installing software stored on a second machine to a first machine in a distributed computing network. (See abstract). Therefore, the subject invention as recited in claims 3-4, 10-12, and 17-20 is not obvious over the combination of Amberg *et al.* and Jones *et al.* Accordingly, withdrawal of this rejection is respectfully requested.

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III. CONCLUSION

The present application is believed to be in condition for allowance in view of the above comments. A prompt action to such end is earnestly solicited.

In the event any fees are due in connection with this document, the Commissioner is authorized to charge those fees to Deposit Account No. 50-1063.

Should the Examiner believe a telephone interview would be helpful to expedite favorable prosecution, the Examiner is invited to contact applicants' undersigned representative at the telephone number listed below.

Respectfully submitted,

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